

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 585, 1004

SENATOR CHAMBERS: Thank you. I may have time to read the language just once, if I can find it. It's tricky. This would be the language where the convictions relate to these repeated infractions or crimes, as they are called. What I think I will do is wait until I turn my light on and get a chance to speak again, or if other amendments are offered, so that I will be able to give the complete reading and explanation as I think is appropriate. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Mr. Clerk.

CLERK: Senator Suttle would move to amend the Chambers amendment, Mr. President. (AM2652, Legislative Journal page 953.)

PRESIDENT MAURSTAD: Senator Suttle, recognized to open on your amendment.

SENATOR SUTTLE: Thank you, Mr. President. Members of the Legislature, this is a...similar to a bill that I had in the Transportation and Telecommunications Committee that they advanced to General File. On page 9 of Senator Chambers' amendment, in line 13, we strike "in lieu of or". In 1992, the Legislature enacted LB 291 which required any person who was convicted of a DWI for the first time to submit to an alcohol assessment in a presentence investigation. The sentencing judge was then given the authority to require the defendant to follow through on the assessment results in place of or in addition to whatever penalty the judge decided to give them. In 1999, just last year, we adopted LB 585, which required an alcohol assessment for every DWI, the first and every subsequent. The first time language was stricken with the anticipation that judges would use the discretion sparingly or, perhaps, in first convictions only. Instead, some judges have routinely ordered the follow through in place of the penalty in the second, third and even fourth DWIs. AM2652 requires the convicted defendant to follow through on the assessment results in addition to, not in place of, but in addition to whatever penalty in every conviction, first and subsequent. A follow through on the assessment in place of the penalty will not be allowed. If you have any questions, be glad to try to answer them. I would just